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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of the Commission's Rules)
to Establish Rules and Policies) CC Docket No. 92-166
Pertaining to a Mobile Satellite)
Service in the 1610-1626.5/2483.5-2500)
MHz Frequency Bands)

COMMENTS OF THE
NATIONAL TELEPHONE COOPERATIVE ASSOCIATION

The National Telephone Cooperative Association ("NTCA") submits these Comments in response to the Notice of Proposed Rulemaking adopted January 19, 1994, and released February 18, 1994. The Notice proposes rules based on a record developed by the "MSS Above 1 GHz Negotiated Rulemaking Committee" and seeks comments on issues where the record has not been developed or has been insufficiently developed.

NTCA is a national association of approximately 500 small and rural local exchange carriers ("LECs") providing telecommunications services to subscribers and interexchange carriers ("IXCs") throughout rural America. Some NTCA members provide "wireless cable service" that utilize frequencies allocated for the multichannel multipoint distribution service (MMDS) and instructional fixed service (ITFS). These members provide services on adjacent spectrum band and will be affected

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by any rule requiring them to make improvements to prevent interference on facilities operating in the 2500-2690 MHz band.

DISCUSSION

NTCA generally supports licensing of the new mobile satellite services (MSS). Many of the applications of the proposed systems will benefit rural areas that are so remote that even cellular service is not feasible in those areas. NTCA members support Commission efforts to authorize services such as this which will promote Universal Service by adapting emerging technologies and wireless services to meet the needs of areas that might not otherwise receive the range of voice and data services that are expected to be offered. In addition, NTCA supports the development of services which will contribute to the development of global networks and give the remote rural areas in this country access to nationwide and global networks.

The Commission seeks specific comments on how it should address out-of-band interference into MSS downlinks at 2483.5-2500 MHz from operations in the lowest frequency portion of the ITFS/MMDS allocation. The Committee found that it would cost up to \$30,000 per ITFS or MMDS station to make improvements to prevent harmful interference into MSS mobile user transmitters. This cost might increase if the stations are converted from analog to digital technology.

NTCA urges the Commission to adopt rules that provide adequate protection and compensation to incumbent ITFS/MMDS operators for any costs they will be required to incur in connection with needed station improvements to accommodate MSS.

Rules providing for ITFS/MMDS compensation would be consistent with the manner in which the Commission has balanced the interest of incumbents and providers of new services that use the spectrum for emerging technologies. In the First Report and Order and Third Notice of Proposed Rulemaking, ET Docket No. 92-9, 7 FCC Rcd 6886, (1992),¹ the Commission articulated a policy that affords protection and compensation to facilities that are first licensed. This policy requires that emerging technology service providers guarantee relocation costs to incumbent microwave systems. It also requires that first licensed facilities be afforded interference protection from offending facilities in disputes involving interference between co-primary emerging technologies and first licensed microwave facilities. It is only fair that the Commission apply this policy in the case of first licensed ITFS/MMDS facilities operating on adjacent spectrum bands. The additional costs associated with interference protection would not be incurred but for the licensing of the new services. Additionally, the services provided on the first licensed facilities clearly promote the public interest by making available educational programming or other multi-channel video services in areas where it is too costly or infeasible to provide wireline CATV.

¹ See, note 34.

For the above stated reasons, NTCA supports the licensing of MSS but urges the Commission to require MSS providers to compensate adjacent ITFS/MMDS providers for any costs incurred in making required improvements to prevent interference with MSS facilities' operations.

Respectfully submitted,

NATIONAL TELEPHONE COOPERATIVE
ASSOCIATION

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May 5, 1994

CERTIFICATE OF SERVICE

I, Gail C. Malloy, certify that a copy of the foregoing Comments of the National Telephone Cooperative Association in CC Docket No. 92-166 was served on this 5th day of May 1994, by first-class, U.S. Mail, postage prepaid, to the following persons on the attached list:


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